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8 **UNITED STATES DISTRICT COURT**
9 **FOR THE CENTRAL DISTRICT OF CALIFORNIA**
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11 LAUREN HENRY, LAUREN HICKMAN,
12 KATHY COKE, GERALD SMITH, DEVON
MCCLELLAN, and LAUREN HERNANDEZ,
13 individually on behalf of themselves and all
others similarly situated,

14 Plaintiffs,

15 v.

16 KIA AMERICA, INC., HYUNDAI MOTOR
17 AMERICA, HYUNDAI KIA AMERICA
TECHNICAL CENTER, INC., FICTITIOUS
18 KIA DEFENDANTS 1-3, and FICTITIOUS
HYUNDAI DEFENDANTS A-C;

19 Defendants.
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Case No.: 8:22-cv-1729

**APPLICATION FOR LEAVE TO
TEMPORARILY FILE UNDER SEAL
PORTIONS OF PLAINTIFFS' CLASS
ACTION COMPLAINT**

*[Concurrently Filed With Declaration Of
Alison Bernal & [Proposed] Order]*

Complaint Filed: September 21, 2022
Judge:

23 Pursuant to Local Rule 79-5, Plaintiffs request leave of the Court to temporarily file their
24 Complaint under seal. Counsel for Plaintiffs also currently serves as counsel for certain Plaintiffs in
25 *Marvin v. Kia America, Inc. et al.*, No. 21-cv-1146 (E.D. Wis.), which relates to the same general
26 allegations in this litigation, namely the susceptibility of certain Hyundai and Kia vehicles to theft.
27 Cities around the country are experiencing a Hyundai and Kia auto theft epidemic. Both the
28 complaint in *Marvin* and the complaint in this action detail the specific nature of the defect, how the

1 vehicles are stolen and the existence of alternative designs that would prevent the thefts. In *Marvin*,
2 Judge Pepper ordered certain allegations sealed out of the parties' fear that making all of the
3 complaint public would exacerbate the issue. *See* 2:21-cv-1146, ECF No. 34, at 5 (E.D. Wis. May
4 31, 2022) (attached hereto as Exhibit A to the Declaration of Alison M. Bernal). Judge Pepper
5 observed that the redactions in *Marvin* were narrowly tailored "to prevent the disclosure of the
6 design defect that allegedly makes it easy to steal the Kia and Hyundai cars" which led to the
7 conclusion that "the parties have established good cause for restricting the amended complaint and
8 filing a redacted version of the same." *Id.* at 5-6. The complaint in *Marvin* was initially filed under
9 seal and, after counsel for the defendants entered their appearance, the parties conferred regarding
10 the redactions and filed a public version of the complaint with narrowly tailored redactions.

11 The Complaint in this Action contains substantially similar allegations regarding the alleged
12 defect. While there are additional cases that relate to this issue currently pending in the Central
13 District of California, and a petition for consolidation and coordination is pending with the Judicial
14 Panel on Multidistrict Litigation, no other complaints on file contain the comprehensive compilation
15 of the allegations that Plaintiffs seek to seal. As such, in order to avoid exacerbating the nationwide
16 epidemic of thefts of Hyundai and Kia vehicles, Plaintiffs respectfully request that the Court grant
17 their application for leave to file the complaint under seal. After counsel for Defendants enters their
18 appearance, the parties will confer regarding narrowly tailored redactions and file a public version
19 of the Complaint with those redactions, along with a renewed motion to seal.

20 Pursuant to Local Rule 79-5.1, a person seeking to have a case or document sealed must
21 follow the procedures of Local Rule 79-5.2 seeking approval of the Court prior to submitting
22 documents under seal. The parties in the *Marvin* litigation stipulated and the Eastern District of
23 Wisconsin ordered that certain allegations be sealed. The Defendants in this action will likely be
24 represented by the same counsel as in *Marvin*, and thus will likely concur in the relief sought.

25 **Relief Requested**

26 Plaintiffs respectfully request the Court grant their application to permit them to temporarily
27 file their Complaint under seal.

1 Dated: September 21, 2022

Respectfully submitted,

2 NYE, STIRLING, HALE & MILLER, LLP

3 /s/ *Alison Bernal*

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